

# **EXHIBIT B**

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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CHRISTINA SCHWAB,  
590 Union Road  
West Seneca, New York 14224,

**SUMMONS**

Plaintiff,

Index No.:

vs.

*Plaintiff designates Erie County  
as the place of trial.*

TARGET CORPORATION,  
1000 Nicollet Mall  
Minneapolis, Minnesota 55403,

*The basis of venue is the place of  
Plaintiff's residence.*

TARGET CORPORATION,  
4920 Transit Road  
Depew, New York 14043,

Defendant.

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**TO THE ABOVE-NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** to answer the Complaint in this action, and to serve a copy of your Answer, or if the Complaint is not served with a Summons, to serve a Notice of Appearance on the plaintiff's attorney within **twenty (20) days** after the service of this Summons, exclusive of the date of service, or within **thirty (30) days** after the service is complete if this Summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Buffalo, New York  
May 26, 2021

**GIBSON, McASKILL & CROSBY, LLP**

By: *s/Charles S. Desmond, II*

Charles S. Desmond, II, Esq.

*Attorneys for Plaintiff*

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STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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CHRISTINA SCHWAB,  
590 Union Road  
West Seneca, New York 14224,

Plaintiff,

vs.

TARGET CORPORATION,  
1000 Nicollet Mall  
Minneapolis, Minnesota 55403,

**COMPLAINT**

Index No.:

TARGET CORPORATION,  
4920 Transit Road  
Depew, New York 14043,

Defendant.

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Plaintiff, CHRISTINA SCHWAB, by her attorneys, GIBSON, McASKILL & CROSBY, LLP, for her Complaint against defendant, TARGET CORPORATION, does herein allege as follows:

1. That at all times hereinafter mentioned, plaintiff, CHRISTINA SCHWAB, was and still is a resident of the County of Erie and State of New York.
2. That at all times hereinafter mentioned, defendant, TARGET CORPORATION (hereinafter referred to as "TARGET", was and still is a foreign corporation, licensed and authorized to transact business within the State of New York, with its chief executive office located at 1000 Nicollet Mall, Minneapolis, Minnesota 55403.
3. That on or about June 2, 2019, and for some time before June 2, 2019, defendant, TARGET, did maintain a business location at 4920 Transit Road, Depew, New York 14043.

4. That on June 2, 2019, and for some time prior to June 2, 2019, defendant, TARGET, owned the premises located at 4920 Transit Road, Depew, New York 14043.

5. That on June 2, 2019, and for some time prior to June 2, 2019, defendant, TARGET, leased the premises located at 4920 Transit Road, Depew, New York 14043.

6. That on June 2, 2019, and for some time prior to June 2, 2019, defendant, TARGET, occupied the premises located at 4920 Transit Road, Depew, New York 14043.

7. That on June 2, 2019, and for some time prior to June 2, 2019, defendant, TARGET, controlled the premises located at 4920 Transit Road, Depew, New York 14043.

8. That on June 2, 2019, and for some time prior to June 2, 2019, defendant, TARGET, maintained the premises located at 4920 Transit Road, Depew, New York 14043.

9. That on or about June 2, 2019, and for some time prior to June 2, 2019, defendant, TARGET, was responsible for the upkeep and maintenance of the 4920 Transit Road, Depew, New York premises.

10. That on or about June 2, 2019, while plaintiff, CHRISTINA SCHWAB, was lawfully at the 4920 Transit Road, Depew, New York 14043 premises, when she was caused to fall and sustain serious and permanent injuries.

**AS AND FOR HER FIRST CAUSE OF ACTION AS AGAINST  
DEFENDANT, PLAINTIFF HEREIN ALLEGES AS FOLLOWS:**

11. Plaintiff repeats and realleges paragraphs “1” through “10” of this Complaint as if more fully set forth herein.

12. The aforesaid injuries to the plaintiff, CHRISTINA SCHWAB, were caused by the negligence of the defendant in providing a premises dangerous, hazardous, defective, unsafe and unsuited to the purposes for which the defendant knew they were to be used; in causing and allowing

water and substances to form and remain on said premises; in failing to take reasonable efforts to remove the water and substances from said premises; in failing to properly staff its store; in failing to have and adhere to a reasonable and proper schedule for inspecting its premises; in failing to properly train its employees; in failing to correct a dangerous, unsafe, hazardous, and/or defective condition consisting of the formation of water and substances on the premises; in allowing and creating a dangerous, unsafe, hazardous and defective condition; failing to make any reasonable effort to remove the water and substances from the premises; in failing to warn of the presence of a dangerous, defective, unsafe and/or hazardous condition on its premises, and in being otherwise careless, reckless and negligent.

13. That as a result of the negligence, recklessness and carelessness of the defendant, TARGET, Plaintiff was injured externally, internally and permanently in and about the head, body, limbs and nervous system so that she became and will continue to be disabled and will continue to suffer pain, discomfort, disfigurement, and distress. That by reason of the aforesaid injuries the plaintiff required the services of physicians, surgeons, nurses, hospitals, therapy, manipulations and medicines and will continue to incur such expenses in the future; that as a result of the aforesaid injuries and resulting permanent disabilities, the plaintiff was incapacitated from her educational pursuits, profession and/or employment, and will continue to be incapacitated from her educational pursuits, profession and/or employment in the future; and as a result of the aforesaid injuries and permanent disabilities, the future earning capacity, profession, livelihood and social and personal endeavors, hobbies and activities of the plaintiff will be partially and/or permanently impaired; and as a result of all of the aforesaid, the plaintiff has otherwise been damaged in a sum which exceeds



the jurisdictional limits of all lower Courts which would otherwise have jurisdiction and as may be awarded by the trier of facts herein.

**AS AND FOR HER SECOND CAUSE OF ACTION AS AGAINST  
DEFENDANT, PLAINTIFF HEREIN ALLEGES AS  
FOLLOWS:**

14. Plaintiff repeats and realleges the allegations contained in paragraphs “1” through “14” of this Complaint as if more fully set forth herein.

15. That defendant, TARGET, created and maintained a nuisance at 4920 Transit Road, Depew, New York 14043, by allowing water and substances to remain on the surface of the floor, which was dangerous to the plaintiff and other lawful and anticipated users thereof.

16. That defendant, TARGET, further created a nuisance by causing and allowing the formation of water and substances at the 4920 Transit Road, Depew, New York 14043 premises for an extensive length of time before the injuries to the plaintiff without making any reasonable attempts to remove same.

17. That as a result of defendant, TARGET, creating and maintaining a nuisance, Plaintiff was injured externally, internally and permanently in and about the head, body, limbs and nervous system so that she became and will continue to be disabled and will continue to suffer pain, discomfort, disfigurement, and distress. That by reason of the aforesaid injuries the plaintiff required the services of physicians, surgeons, nurses, hospitals, therapy, manipulations and medicines and will continue to incur such expenses in the future; that as a result of the aforesaid injuries and resulting permanent disabilities, the plaintiff was incapacitated from her educational pursuits, profession and/or employment, and will continue to be incapacitated from her educational pursuits, profession and/or employment in the future; and as a result of the aforesaid injuries and permanent

disabilities, the future earning capacity, profession, livelihood and social and personal endeavors, hobbies and activities of the plaintiff will be partially and/or permanently impaired; and as a result of all of the aforesaid, the plaintiff has otherwise been damaged in a sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction and as may be awarded by the trier of facts herein.

**WHEREFORE**, plaintiff, CHRISTINA SCHWAB, herein demands judgment as against defendant, TARGET CORPORATION, for her causes of action stated herein for an amount in excess of the jurisdictional limit of all lower courts, together with the costs and disbursements of this action, and for such other and further relief as this court may deem just and proper.

DATED: Buffalo, New York  
May 26, 2021

**GIBSON, McASKILL & CROSBY, LLP**

By: s/ Charles Desmond  
Charles S. Desmond, II, Esq.  
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69 Delaware Avenue, Suite 900  
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